IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3575 OF 2006

Ramakant Hariram Upadhayaye
and two others ... Applicant
versus
The State of Maharashtra ... Respondent

Noorseema Baig i/by Khan Abdul Wahab for applicant
Mrs.M.M.Deshmukh, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 16th October 2006

PC :

1. The applicants are arrested in connection with CR No.342 of 2006 on 16th June 2006. Applicant no.1 is the brother-in-law. Applicant no.2 is father-in-law and applicant no.3 is the sister-in-law of the deceased.

2. The applicants applied for bail before the Trial Court after charge sheet was filed and investigations were complete. The application was filed and numbered as 1773 of 2006.

3. The learned advocate appearing for the applicants submit that after the charge sheet is

filed at least the case of these three applicants be considered. They have no direct role in the crime inasmuch as all that is alleged against them, is they were part of the same family and ill-treating and harassing the deceased Sarita by criticising her and also making demands. However, as far as incident is concerned, it is alleged that the applicants along with others dragged the deceased towards Toilet. The Kerosene was poured by the husband of the deceased and the mother-in-law. All statements so also one dying declaration which is on record are perused by me with the assistance of the applicants' advocate so also the learned APP..

4. As far as husband of the deceased and her mother-in-law are concerned, both are in custody. They have not applied for bail. The sister-in-law, brother-in-law and father-in- law have applied for bail after investigations are complete. From a perusal of these statements and other materials it is apparent that after the incident the entire family was arrested. Upon the completion of investigations and filing of charge sheet it is revealed that on the relevant date, the deceased was dragged by all but she was set on fire by pouring Kerosene on her by husband

and mother-in-law. These are the acts specifically attributed in the statements of the relations of the deceased. It is true that the deceased was ill-treated but it is also clear from the record that she left the house in 2003 and for about two years was residing with her parents and was brought back by the husband. In such circumstances and when investigations are complete, charge sheet is filed and it is not pointed out as to how the applicants would not be available at the trial, they deserve to be enlarged on bail. Hence following order.

5. ORDER :-

(i) The applicants shall be enlarged on bail in connection with C.R.No.342 of 2006 registered with Vakola Police Station, Mumbai subject to furnishing a personal bond of Rs.10,000/- (Rs.Ten thousand only) each with one or two local sureties in the like sum each;

(ii) The applicants shall report Vakola Police Station once in a fortnight till trial is concluded;

(iii) The applicants shall not leave city limits

of Mumbai City without prior permission of Trial Court;

(iv) The applicants shall forthwith furnish their residential address to the I.O. where they propose to reside after bail and during pendency of the trial, and shall not change their residence without prior intimation to the I.O;

(v) The bail is granted subject to condition that the applicants shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence;

(vi) The applicants shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail;

(vii) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial;

(viii) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)